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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MINDEN PICTURES, INC.,	:	Case No.
	:	
Plaintiff,	:	<b>COMPLAINT</b>
v.	:	
BUZZFEED, INC. and DOES 1-10,	:	<b>JURY TRIAL DEMANDED</b>
	:	
Defendants.	:	
	:	

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Plaintiff Minden Pictures, Inc. (“Minden” or “Plaintiff”), by its attorneys Doniger / Burroughs APC, for its complaint against defendant Buzzfeed, Inc. (“Buzzfeed”) and Does 1-10 (together with Buzzfeed, “Defendants”), alleges as follows:

**JURISDICTION AND VENUE**

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101 *et seq.*
2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).
3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

**PARTIES**

4. Plaintiff Minden Pictures, Inc. is a corporation organized and existing under the laws of the state of California, with its primary place of business located at 9565 Soquel Drive, Suite 202, Aptos, California 95003.

5. Plaintiff is informed and believes and thereon alleges that Buzzfeed, Inc. is a corporation organized and existing under the laws of the state of Delaware, with its primary place of business located at 200 Fifth Avenue, 8th Floor, New York, NY 10010, and is the owner of the website at [www.buzzfeed.com](http://www.buzzfeed.com).

6. Plaintiff is informed and believes and thereon alleges that Defendants Does 1 through 10, inclusive, are other parties not yet identified who have infringed Plaintiff's copyrights, have contributed to the infringement of Plaintiff's copyrights, or have engaged in one or more of the wrongful practices alleged herein. The true names, whether corporate, individual or otherwise, of the Does 1-10, inclusive, are presently unknown to Plaintiff, which therefore sues said Does 1-10 by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.

7. Plaintiff is informed and believes and thereon alleges that at all times relevant hereto each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope of such agency, affiliation, alter-ego relationship and/or employment; and actively participated in or subsequently ratified and/or adopted each of the acts or conduct alleged, with full knowledge of all the facts and circumstances, including, but not limited to, full knowledge of each violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

**CLAIMS RELATED TO SUBJECT PHOTOGRAPHS**

8. By virtue of contractual assignments with the respective photographers, Plaintiff is the sole and exclusive agent and representative for the licensing and use of certain original nature photographs ("Subject Photographs"). Pursuant to that assignment, Plaintiff also has full and complete authority to institute suit for the unauthorized use of said images. Thus, Plaintiff has

standing to bring this action (*Minden Pictures, Inc. v. John Wiley & Sons*, 795 F.3d 997 (9th Cir., 2015)).

9. The Subject Photographs were registered with the United States Copyright Office as shown in the chart attached hereto as Exhibit A.

10. Plaintiff is informed and believes and thereon alleges that following its publication and display of the Subject Photographs, Defendants used the Subject Photographs without Plaintiff's authorization for commercial purposes in various ways, including, but not limited to, the use on websites such as buzzfeed.com.

11. Images of the Subject Photographs are shown in the chart attached hereto as Exhibit A.

12. Screen captures of Defendant's website with Subject Photographs are attached hereto as Exhibit B.

### **FIRST CLAIM FOR RELIEF**

#### **(Copyright Infringement - Against All Defendants)**

13. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

14. Plaintiff is informed and believes and thereon alleges that Defendants had access to the Subject Photographs, including, without limitation, through Plaintiff's website and social media accounts or viewing the Subject Photographs on third-party websites (e.g., Tumblr, Pinterest, etc.).

15. Plaintiff is informed and believes and thereon alleges that Defendants used and distributed images of the Subject Photographs, and exploited said images in website posts without Plaintiff's authorization or consent.

16. Due to Defendants' acts of infringement, Plaintiff has suffered damages in an amount to be established at trial.

17. Due to Defendants' acts of copyright infringement as alleged herein, Defendants have obtained profits they would not otherwise have realized but for their infringement of the

Subject Photographs. As such, Plaintiff is entitled to disgorgement of Defendants' profits attributable to the infringement of the Subject Photographs in an amount to be established at trial.

18. Plaintiff is informed and believes and thereon alleges that Defendants committed copyright infringement with actual or constructive knowledge of Plaintiff's rights such that said acts of copyright infringement were, and continue to be, willful, intentional and malicious.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

- a. That Defendants and their respective agents and servants be enjoined from importing, manufacturing, distributing, offering for sale, selling or otherwise trafficking in any product that infringes Plaintiff's copyright in the Subject Photographs;
- b. That Plaintiff be awarded all profits of Defendants, plus all losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- c. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 101 et seq.;
- d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- e. That Plaintiff be awarded the costs of this action; and
- f. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury in this action of all issues so triable.

Dated: New York, New York  
March 19, 2018

Respectfully Submitted,  
DONIGER / BURROUGHS

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## EXHIBIT A

Photograph	Registration Number	Registration Date
	VA 847-928	18 Feb 1997
	VA 847-928	18 Feb 1997
	VA 1 715-029	Pending
	VA 1 715-029	09 Jan 2009

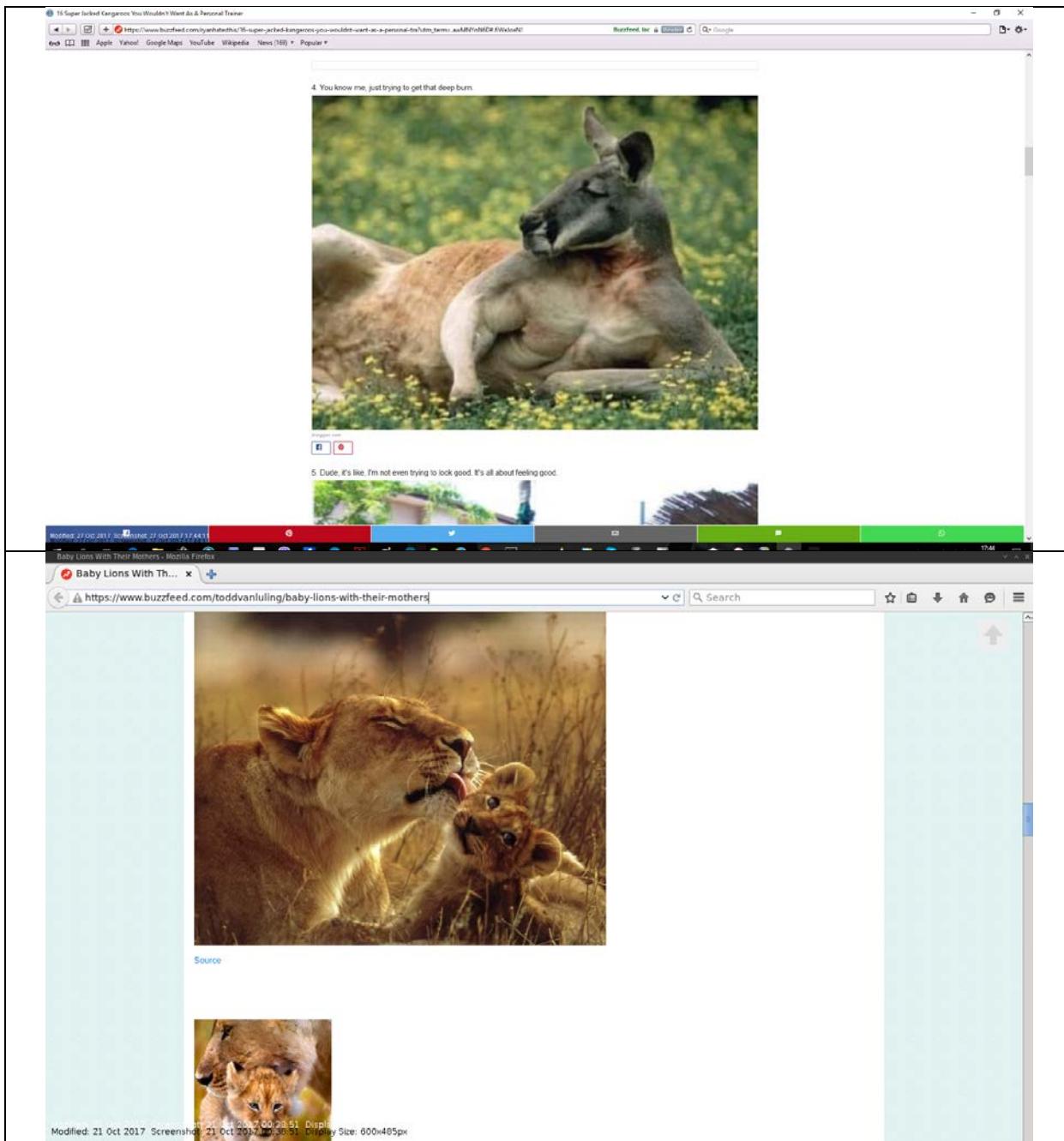
	VA1-700-959	16 Jan 2009
	VA 1-725-366	23 Dec 2008
	VA 1-725-390	23 Dec 2008

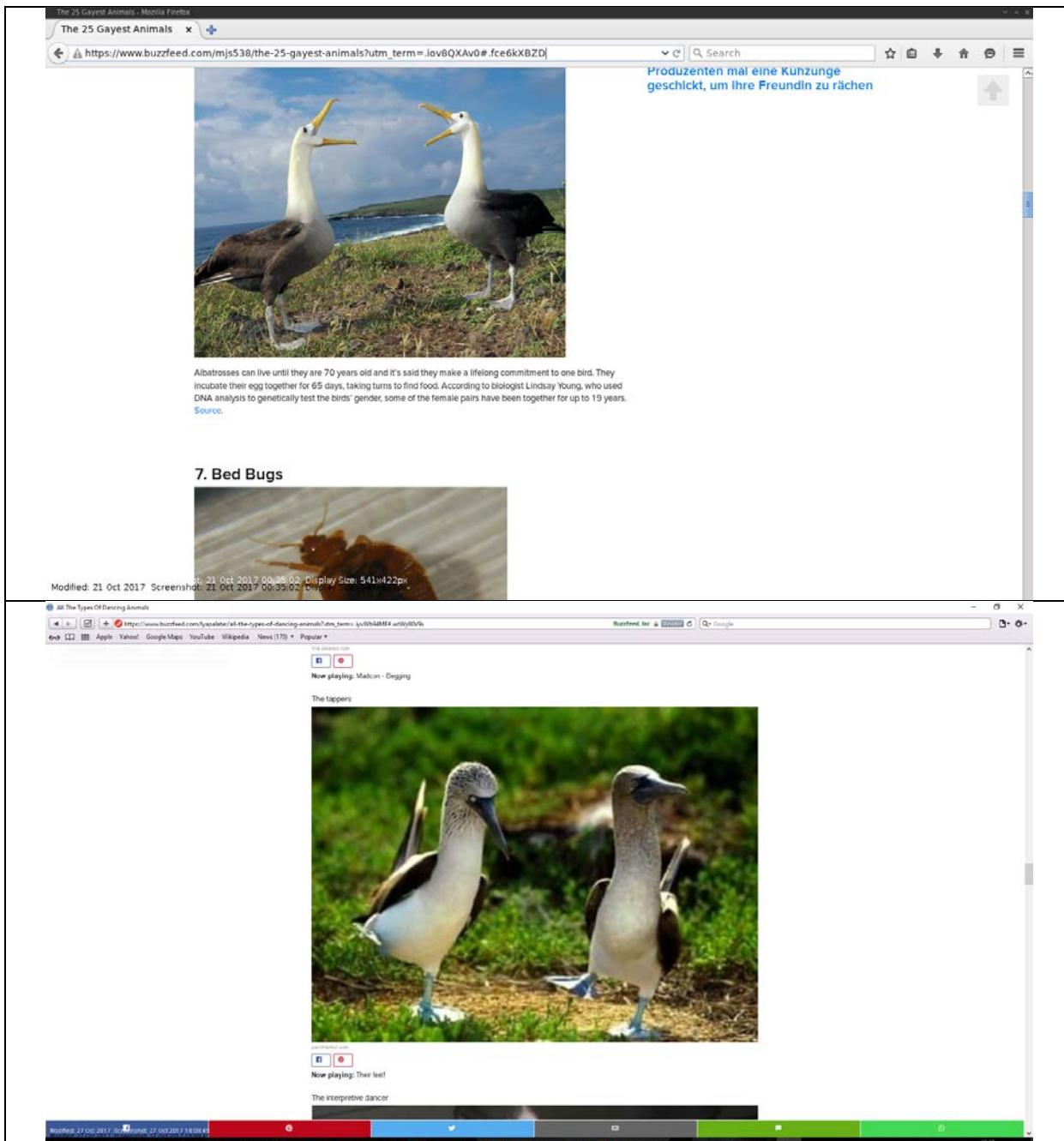
	VA1-700-964	16 Jan 2009
	VA 2-050-164	10 Feb 2017
	VA 2-054-209	03 Feb 2017
	VA 2-053-654	10 Feb 2017

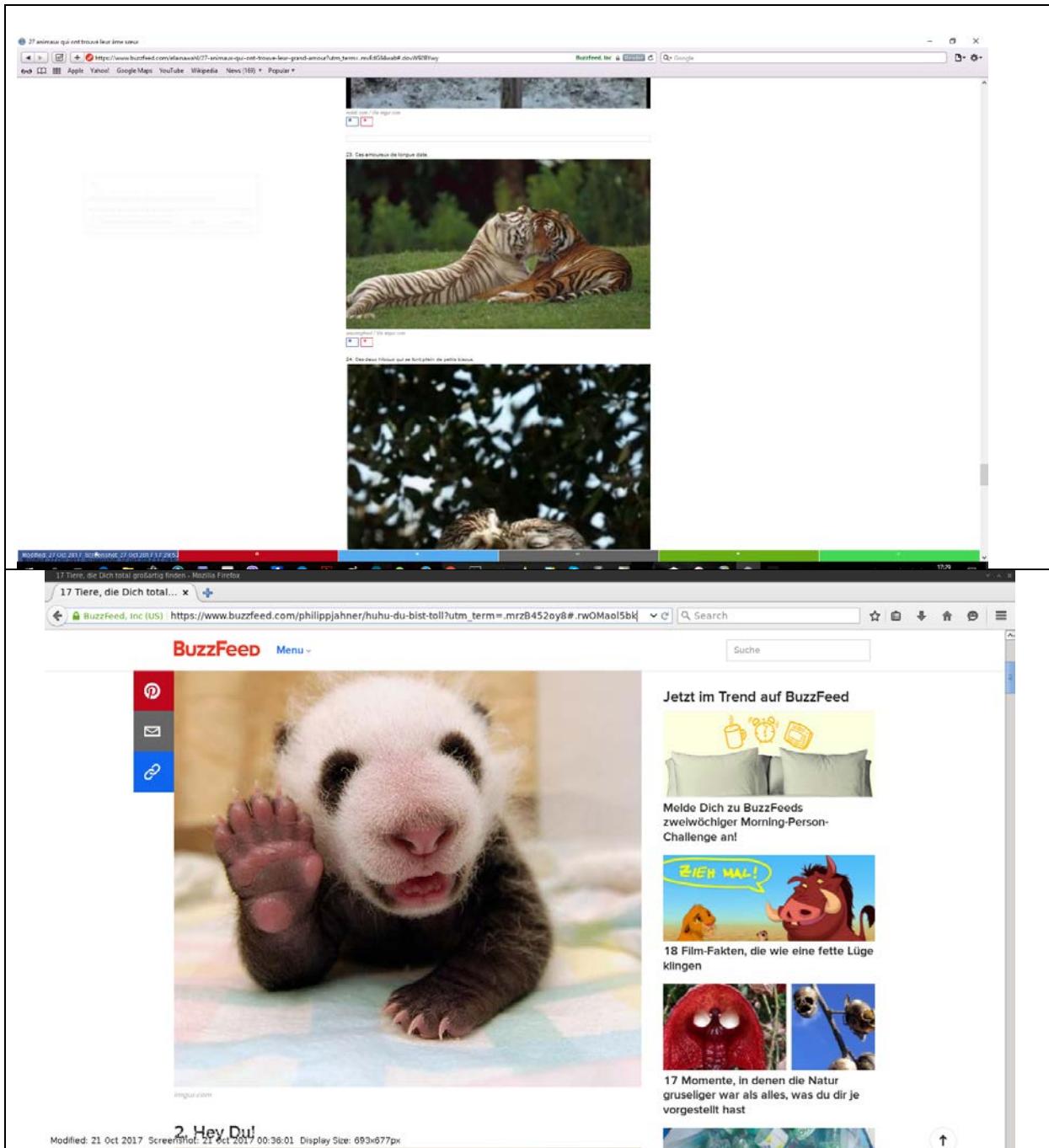
	VA 2-050-091	10 Feb 2017
	VA 2-050-091	10 Feb 2017
	VAu 1-089-820	01 Aug 2011
	VA1-702-515	16 Jan 2009

	VA 1-715-889	23 Jan 2009
	VA 1-716-019	23 Jan 2009

## EXHIBIT B







The screenshot shows a web browser window with two tabs open. The top tab displays the article "17 Reasons Why Armadillos Should Be Blowing Your Freakin' Mind Right Now" from BuzzFeed. The image shows a close-up of an armadillo's head and upper body. Below the image is a red call-to-action bar with the text "Want the kind of BuzzFeed Animals in your inbox? Sign up for a newsletter today! Drag A Day one cool page, every day in your inbox". The bottom tab displays the article "Baby Beluga (PIC)" from BuzzFeed. The image shows a white beluga whale swimming in the water. The page includes social sharing buttons for Facebook, Email, Pinterest, Twitter, and Tumblr, along with a link to "More". To the right of the main content, there are sidebar links for "The Cast Of 'Brink!' A Million Years Later", "Literally Just 11 Ridiculous Things That Happen In 'The Snowman'", and "Geht gerade ab".

